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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,408	01/09/2004	Kenichiro Yamane	029118.53153US	6403
23911 7590 02/06/2009 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300				
			EXAMINER ARTHUR JEANLAUDE, GERTRUDE	
			ART UNIT 3661	PAPER NUMBER
			MAIL DATE 02/06/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/753,408

Applicant(s)

YAMANE ET AL.

ExaminerGERTRUDE ARTHUR
JEANGLAUD**Art Unit**

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7, 8 and 10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 7, 8 and 10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 19 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kakiyara et al. (U.S. Patent No. 5,293,163) in view of Mizushima (JP 11-281378) and Nuesser et al. (U.S. Patent No. 6,870,487).

As to claim 7, Kakiyara et al. disclose a display method for a car navigation system which displays a position and proceeding direction of a user's car on a road map and displays a guide route on the road map (See abstract), the display method overlapping displaying a graphic at a position on the road map corresponding to traffic information (See col. 14, lines 66-68-col. 15, lines 1-10). Kakiyara et al. although disclose the display is made in overlapped manner of the road and traffic information; it does not specifically disclose traffic jam statistical information. In an analogous art, Mizushima discloses a navigation device wherein it discloses display means 9 and a road traffic information reception means 7 for receiving road traffic information including at least time and traffic jam information based on the road system; and the navigation device is provided with a traffic jam information history storage means (See abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to

modify the system of Kakiyama et al. with that of Mizushima by having a graphic displaying traffic jam statistical information in order to provide a navigation device for predicting a situation such as traffic jam. Both Kakiyama et al. and Mizushima fail to specifically disclose a reliability of the traffic jam statistical information. In another analogous art, Nussler et al. disclose a method for transmitting data packets between vehicles wherein it discloses a statistical reliability of a traffic information (See abstract; col. 2, lines 46-54; col. 12, lines 25-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Mizushima and Kakiyama with that of Nussler et al. by having a statistical reliability of a traffic information in order to supply users with traffic information of the roads.

Claims 8, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakiyama et al. (U.S. Patent No. 5,293,163) in view of Mizushima (JP 11-281378) and Nussler et al. (U.S. Patent No. 6,870,487) and Nanba et al. (U.S. Patent no. 5,874,905).

As to claims 8, 10, Kakiyama et al. and Mizushima and Nussler combined disclose all but fail to specifically disclose a display classifying colors with traffic jam and a circle. In an analogous art, Nanba et al. disclose traffic jam, a display which changes in colors and classifying colors but does not specifically disclose a circle and classifying the colors with the traffic jam. However, Nanba et al. also disclose different patterns and direction mark in larger size and changing color in the display and thicker line (See col. 11, lines 1-14). Therefore, it would have been obvious to one of ordinary skill in the art

at the time of the invention to have different patterns and colors with display and traffic jam in order to better understand the displayed route information.

Response to Arguments

Applicant's arguments filed 12/10/08 have been fully considered but they are not persuasive.

REMARKS

Applicant's representative argues that "none of the cited references either alone or in combination, discloses a significant advantage provided by the present invention-namely, that it is convenient for a driver to be simultaneously presented with both the traffic jam statistical information and the reliability of the same so that the driver can make appropriate driving decisions:". In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the references combined teach the limitations of the claims and therefore the rejection is maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERTRUDE ARTHUR JEANGLAUD whose telephone number is (571)272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gertrude Arthur-Jeanglaude/
Primary Examiner, Art Unit 3661